

salaries of teachers in districts which levy a local tax for school purposes."

14. Amend section 57, line 3 by inserting after the word "just" the following: "Provided that in admitting pupils over and under the scholastic age the school shall not be overcrowded to the neglect and injury of pupils within the scholastic age."

15. Amend section 63, line 3, by inserting after the word "him" the following: "A certificate of three good and well known citizens, or."

16. Strike out section 74 and change numbers of other sections to correspond.

17. Amend section 81 by striking out all after the word "district," in line 4, down to and including "dollars," in line 8.

18. Amend section 83, line 12, by striking out "superintendent" and inserting "judge."

19. Amend section 97 by adding the following: "Provided that the following counties shall be and the same are hereby exempted from the district system provided in this act, to-wit: Freestone, Limestone, Robertson, Van Zandt, Smith, Montgomery, Trinity, Polk, San Jacinto, Cass, Bowie, Bosque, Lee, Burleson, Washington and Bastrop; and nothing herein contained shall be construed to repeal any of the laws now in force as to said counties for the government of schools in counties under the community system, but said laws are hereby expressly continued in full force and operation in the counties above specified."

20. Strike out the engrossed rider. Respectfully submitted,

D. F. Goss,  
WALTER TIPS.

#### HOUSE MESSAGE.

#### HOUSE OF REPRESENTATIVES.

AUSTIN, TEXAS, March 30, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: I am directed by the House to inform the Senate that the House desires the return of House bill No. 636, a motion to reconsider being pending in the House.

Respectfully,

GEO. W. FINGER.

Chief Clerk House of Representatives.

Senator Kearby moved that the request of the House be granted.

Carried.

On motion of Senator Smith, the Senate adjourned to 10 a. m. tomorrow by the following vote:

YEAS—17.

Agnew, Lewis,  
Atlee, McComb.

Crowley, McKinney,  
Dean, Presler,  
Dickson, Shelburne,  
Douglass, Simpson,  
Goss, Smith,  
Greer, Tips.  
Hutchison,

NAYS—9.

Browning, Steele,  
Imboden, Swayne,  
Jester, Woods,  
Kearby, Yoakum,  
Lawhon,

ABSENT—2.

Boren, Bowser.

EXCUSED—3.

Baldwin, Whitaker,  
Cranford,

#### SIXTY-NINTH DAY.

#### SENATE CHAMBER.

AUSTIN, TEXAS, March 31, 1893.

Senate met pursuant to adjournment.

President Pro Tem. Kearby in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—28.

Agnew, Kearby,  
Atlee, Lawhon,  
Boren, Lewis,  
Bowser, McComb,  
Browning, McKinney,  
Crowley, Presler,  
Dean, Shelburne,  
Dickson, Simpson,  
Douglass, Smith,  
Goss, Steele,  
Greer, Swayne,  
Hutchison, Tips,  
Imboden, Woods,  
Jester, Yoakum.

EXCUSED—3.

Baldwin, Whitaker,  
Cranford,

Prayer by the chaplain, Dr. Briggs, as follows:

Our Father, Thou hast entrusted us with solemn responsibilities; enable us to understand their meaning, to feel their pressure, and to respond with all our strength to their demands. May we labor as those who esteem duty and honor above the applause of men, and who love truth because it is the speech of God. Sanctify to our personal good, not only our experience in this place, but all the manifold discipline of life. Give to us such control of all events and circumstances that

out of the very chaos of things there may come forth Thine own wondrous order and beauty. And to Thy name be all the praise now and always. Amen.

Senator Steele moved to suspend the reading of the journal.

Lost.

Pending the further reading of the journal of yesterday, Senator Steele moved that the reading of the same be suspended.

Lost by the following vote:

YEAS—13.

Agnew,	Lawhon,
Boren,	McKinney,
Bowser,	Smith,
Browning,	Swayne,
Douglass,	Woods,
Goss,	Yoakum.
Hutchison,	

NAYS—15.

Atlee,	Lewis,
Crowley,	McComb,
Dean,	Presler,
Dickson,	Shelburne,
Greer,	Simpson,
Imboden,	Steele,
Jester,	Tips.
Kearby,	

EXCUSED—3.

Baldwin,	Whitaker.
Cranford,	

Senator Steele moved to reconsider the vote by which the Senate refused to suspend the further reading of the journal.

Senator Imboden moved to table the motion to reconsider.

Tabled by the following vote:

YEAS—16.

Atlee,	Imboden,
Bowser,	Kearby,
Crowley,	Lewis,
Dean,	McComb,
Dickson,	Presler,
Douglass,	Shelburne,
Greer,	Simpson,
Hutchison,	Tips.

NAYS—12.

Agnew,	McKinney,
Boren,	Smith,
Browning,	Steele,
Goss,	Swayne,
Jester,	Woods,
Lawhon,	Yoakum.

EXCUSED—3.

Baldwin,	Whitaker.
Cranford,	

Pending the reading of the journal, Senator Steele moved to suspend further reading of same.

Senator Dickson moved to table the motion to suspend.

Tabled by the following vote:

YEAS—15.

Atlee,	Jester,
Bowser,	Kearby,
Crowley,	Lewis,
Dean,	McComb,
Dickson,	Shelburne,
Greer,	Simpson,
Hutchison,	Tips.
Imboden,	

NAYS—13.

Agnew,	Presler,
Boren,	Smith,
Browning,	Steele,
Douglass,	Swayne,
Goss,	Woods,
Lawhon,	Yoakum.
McKinney,	

EXCUSED—3.

Baldwin,	Whitaker.
Cranford,	

Senator Agnew moved to adjourn to 3 p. m. to-day.

Senator Lawhon moved to adjourn till to-morrow at 10 a. m.

The vote being on the longest time Senator Lawhon's motion was lost by the following vote:

YEAS—4.

Crowley,	Shelburne.
Dean,	Lawhon.

NAYS—24.

Agnew,	Kearby,
Atlee,	Lewis,
Boren,	McComb,
Bowser,	McKinney,
Browning,	Presler,
Dickson,	Simpson,
Douglass,	Smith,
Goss,	Steele,
Greer,	Swayne,
Hutchison,	Tips,
Imboden,	Woods,
Jester,	Yoakum.

EXCUSED—3.

Baldwin,	Whitaker.
Cranford,	

Senator Agnew's motion to adjourn to 3 p. m. to-day was lost by the following vote:

YEAS—8.

Agnew,	Lawhon.
Crowley,	Lewis,
Dickson,	Shelburne,
Greer,	Simpson.

NAYS—20.

Atlee,	Kearby,
Boren,	McComb,

Bowser,	McKinney,
Browning,	Presler,
Dean,	Smith,
Douglass,	Steele,
Goss,	Swayne,
Hutchison,	Tips,
Imboden,	Woods,
Jester,	Yoakum.

EXCUSED—3.

Baldwin,	Whitaker.
Cranford,	

Senator Steele moved to suspend the reading of the journal.

Senator Imboden made the point of order that the motion to suspend was not in order, no business having been transacted.

Sustained.

Pending the reading of the journal, Senator Jester moved to suspend further reading of the same.

Carried by the following vote:

YEAS—17.

Agnew,	McComb,
Atlee,	McKinney,
Bowser,	Presler,
Browning,	Smith,
Douglass,	Steele,
Goss,	Swayne,
Jester,	Woods,
Kearby,	Yoakum.
Lawhon,	

NAYS—11.

Boren,	Imboden,
Crowley,	Lewis,
Dean,	Shelburne,
Dickson,	Simpson,
Greer,	Tips,
Hutchison,	

EXCUSED—3.

Baldwin,	Whitaker.
Cranford,	

Senator Simpson moved to adjourn to 10 a. m. to-morrow.

Lost.

## PETITIONS AND MEMORIALS.

By Senator Lewis:

To the honorable Senate and House of Representatives of the State of Texas:

Prompted by the late inaugural address of the present executive of the State, wherein he says he is not in favor of large holdings within the State, on the 23d day of January last, in behalf of the capitol syndicate, I submitted to his excellency, Governor J. S. Hogg, the following proposition, to be by him referred to your honorable bodies:

"CHICAGO, Ill., Jan. 23.—Governor Hogg, Austin, Tex.: Dear Governor—I see by your late inaugural that you are not in favor of corporations holding large bodies of land in the State of

Texas. I quite agree with you in this opinion. As you may know, the capitol company, of which I am a member, took from the State of Texas 3,000,000 acres of lands in the Panhandle, for which they built the magnificent State house located at Austin. We did not expect to hold the lands as long as we have, and we are quite willing to sell them to the State of Texas on the same terms and prices that the State is selling lands to settlers throughout the State. We will accept in payment bonds of the State of Texas running fifty years at 5 per cent. Furthermore, we will lease the lands back again from you for such time as you are willing to lease them, and pay the price which you charge to your lessees. These lands are substantially fenced, and about 150 wells have been sunk upon them, so that the whole tract is abundantly supplied with water. You are authorized to make this proposition to the Legislature now in session. Yours truly,  
"C. E. FARWELL."

On the 27th day of January His Excellency replied as follows:

EXECUTIVE OFFICE, AUSTIN, Jan. 27, 1893.—C. B. Farwell, Chicago, Ill. Sir: In reply to your letter of the 23d I beg to say that the State can not, with my consent, consider any such proposition as you make therein.

Very truly, J. S. HOGG.

The proposition was made in good faith, but for what reason declined His Excellency does not say. This is, therefore, to memorialize your honorable bodies to consider the foregoing proposition.

Section 57, article 16, of the Constitution of the State, appropriated and set apart 3,000,000 acres of public domain for the purpose of erecting a State capitol at the seat of government, and directed the Legislature to pass suitable laws to carry this section into effect.

The Sixteenth Legislature, carrying out this provision of the Constitution, passed an act authorizing the State, through her commissioners, to contract for the erection of a new State capitol, to be built upon the plans and specifications to cost the amount which the Governor and heads of departments had estimated the lands set aside for the new capitol to be worth. They estimated 3,000,000 acres of land to be worth \$1,500,000, and advertised for and secured plans for a building which they estimated would cost that much.

On the first day of July, 1881, the

building commissioners advertised that "bids would be received for the erection of the capitol on plans selected by them," proposing to pay for the entire work in land, and "to award the contract to the person who would construct the capitol for the smallest quantity of the land, with an incumbrance of \$20,000, incidental expenses appropriated by the Seventeenth Legislature and made chargeable to the lands."

In consideration of the 3,000,000 acres of land set aside by the Constitution of the State for the purpose of erecting a new State capitol, your memorialists built and turned over to the State, the present magnificent and commodious capitol building, at a cost to them very greatly in excess of the value then placed upon the lands by the Governor and heads of departments.

The lands are admirably adapted for agriculture, and the syndicate expected soon after entering upon possession of these lands to be able to dispose of them at a reasonable price to settlers, and with this in view, the lands were greatly improved, and several large tracts were sectionized and widely advertized.

When the State sold these lands to your memorialists it had been the policy of the State for many years to dispose of her domain in large bodies to corporations and other persons, in aid of public and internal improvements. The Constitution provided for the sale of the capitol lands, and made no restriction or limitation as to the time within which purchasers should dispose of the same; and the present owners paid for the land and received title from the State without any limitation or restriction.

The purpose of the owners to dispose of these lands to actual settlers has been greatly impeded by legislative enactments, and for this reason the syndicate has been compelled to use the lands almost exclusively for grazing purposes. Your memorialists realize that if the present policy as to corporate ownership of lands in the State is adhered to, the syndicate will be embarrassed in disposing of its lands at a fair value to actual settlers, as it has been the uniform policy of the syndicate to do.

Your memorialist has no disposition to impede the settlement of Texas, and is unwilling to embarrass the policy of the State to dispose of her lands to actual settlers; therefore your memorialist offers to sell the 3,000,000 acres of capitol lands back to the State upon

such terms as may be agreed upon, and at a price not greater than the State is now selling her lands at to actual settlers. C. B. FARWELL.

Read and referred to Committee on Public Lands.

#### COMMITTEE REPORTS.

##### COMMITTEE ROOM,

AUSTIN, TEXAS, March 31, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1. to whom was referred

House bill No. 356, entitled "An act to prevent and punish persons enticing or decoying minors from the custody of their parents or guardians and to give certain benevolent institutions and orphans' homes the rights of guardians over minors surrendered to such institutions and homes for support and education,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

KEARBY, Chairman.

#### HOUSE MESSAGE.

##### HOUSE OF REPRESENTATIVES,

AUSTIN, TEXAS, March 30, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: I am directed by the House to inform the Senate of the passage by the House of the following bill, to-wit:

House bill No. 636, "An act to give the State the full right, power and remedy of writs and proceeding of injunction for the enforcement of the Constitution to protect her rights, and to prevent, prohibit and restrain the violation of the revenue and penal laws, and to prescribe the duties and fees of officers in relation thereto,"

The motion to reconsider having been laid on the table.

Respectfully,

GEO. W. FINGER,

Chief Clerk House of Representatives.

Call concluded.

The Chair gave notice of signing and did sign the following:

House bill No. 44, entitled "An act to authorize the rescue of girls and boys under the age of 12 years from the custody of improper persons,"

After the caption of same had been read,

Senator McKinney called up

Substitute House bill No. 39, a bill to be entitled "An act to amend section 19 of an act entitled an act to redistrict the State into judicial districts, and fix the times for holding courts therein, and to provide for the



election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883; to create the Fifty-fourth judicial district, fix the times for holding court therein, and provide for the appointment of a district judge for said district, and to repeal all laws in conflict with this act."

Bill read in full.

Senator Atlee moved that the House be requested to furnish the Senate the Governor's objections to said bill as set forth in his veto message.

Carried.

Pending action on substitute House bill No. 39, Senator Goss called up

Senate bill No. 211, "An act to amend section 3 of an act to reorganize the Thirty-second, Thirty-ninth and to create the Fiftieth judicial district," with House amendments thereto, and moved that the Senate refuse to concur in said amendments.

Carried.

Senator Goss then moved that the Chair appoint a conference committee of five to confer with a like committee of the House.

Carried.

The Chair appointed Senators Goss, Presler, Yoakum, Atlee and Tips as members of said committee on the part of the Senate.

The Chair announced that the desired information as to House bill 39 was at hand, and directed the secretary to read the same.

Senator Agnew moved that the Governor's objections to said bill, as set forth in his veto message, be spread upon the journal.

Carried.

#### HOUSE MESSAGE.

HOUSE OF REPRESENTATIVES,  
AUSTIN, TEXAS, March 31, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: I am directed by the House to transmit to the Senate herewith the Governor's message vetoing Substitute House bill No. 39, as per request of the Senate.

Respectfully,

GEO. W. FINGER,  
Chief Clerk House of Representatives.

#### GOVERNOR'S MESSAGE.

EXECUTIVE OFFICE,  
AUSTIN, TEXAS, Feb. 27, 1893.

To the House of Representatives, Twenty-third Legislature:

Regretfully I must return to your honorable body, with my disapproval, Substitute House bill No. 39, proposing to create a new judicial district for

McLennan county. Had the bill made that county a separate district by detaching Falls and adding it to one of the adjoining districts, there could be no objection urged to it on the ground of extravagance or public policy. McLennan and Falls now comprise the Nineteenth judicial district, but they are made by this bill the Fifty-fourth district and an additional district is made of McLennan, to be called the Nineteenth judicial district.

At this time the State is burdened with too many judicial districts. A less number would be sufficient if the work of the judges could be fairly distributed among them. The services and duties of some judges are onerous, while on others the burdens are very light. Indisputable facts can be had showing that many of these judges can easily do the work of from one to three more counties in addition to those now forming their districts. Many of them finish their work and have three or four months' vacation, while some have hard work to do for eleven months of the year, and then are behind with their dockets. This unjust inequality is patent, and needs correction, but the creation of new districts is certainly not the remedy. The State needs redistricting. Until this can be done, it is candidly submitted that it will be best for public interests to detach counties from the over-burdened districts and add them to those more favorably situated.

By adding Falls county to some of the adjoining districts, several of which can easily accept it, McLennan county can remain to itself an independent district, and thus the creation of more offices and a new district be avoided without public detriment.

Respectfully,

J. S. HOGG,  
Governor of Texas.

The Chair announced the question as follows:

"The question is will the Senate upon reconsideration of Substitute House bill No. 39 pass the same notwithstanding the veto of the Governor. Those favoring its passage will vote aye as your names are called. Those opposing its passage will vote no. The secretary will call the roll."

The bill passed by the following vote:

YEAS—23.

Agnew,	Lawhon,
Atlee,	Lewis,
Bowser,	McComb,
Crowley,	McKinney,
Dean,	Presler,
Dickson,	Shelburne,

Douglass,  
Goss,  
Greer,  
Hutchison,  
Imboden,  
Jester,

Simpson,  
Smith,  
Steele,  
Tips,  
Woods.

NAYS—4.

Boren,  
Browning,

Kearby,  
Yoakum.

ABSENT—1.

Swayne.

EXCUSED—3.

Baldwin,  
Cranford,

Whitaker.

#### UNFINISHED BUSINESS.

The Chair laid before the Senate, House bill No. 91, entitled "An act to regulate the sale of spiritous, vinous or malt liquors, or medicated bitters; to fix a tax upon all persons or associations of persons selling such liquors; to define the time and manner of collecting such tax, to fix penalties for the violation of this act, and to repeal all laws and parts of laws in conflict with the provisions of this act," action being on the amendment offered by Senator Lawhon, to wit:

Amend section 9 by inserting between the words "not" and "sell," in line 11, the following:

"Keep open his house, saloon or place of business on Sunday, and will not sell, bar or give away any spiritous, vinous or malt liquors to any person on Sunday, nor."

Senator Dean entered a motion to reconsider the vote by which the amendment to section 9 of House bill No. 91, offered by the Senator from Webb was adopted, said amendment was as follows: Strike out "to any minor" in line 14 and insert in line 14 after the word "bitters" the following: "To any person on Sunday, nor to any minor at any time," and same was spread on the journal.

Senator Shelburne moved a call of the Senate on the amendment, which was ordered, the following answering to their names:

PRESENT—26.

Agnew,  
Boren,  
Bowser,  
Browning,  
Crowley,  
Dean,  
Dickson,  
Douglass,  
Goss,  
Greer,  
Hutchison,  
Imboden,  
Jester,

Kearby,  
Lawhon,  
Lewis,  
McComb,  
McKinney,  
Presler,  
Shelburne,  
Simpson,  
Smith,  
Steele,  
Tips,  
Woods,  
Yoakum.

ABSENT WITHOUT LEAVE—2.

Atlee,  
Swayne.

EXCUSED—3.

Baldwin,  
Cranford,

Whitaker.

Pending amendment going to the table.

Senator Lewis offered the following: Amend by striking out all after the word "reconsidered," in line 28, section 9, page 15, down to and including the word "through," in line 37.

(Senator Swayne was announced.)

The Chair announced the Senate full and the question the adoption of Senator Lawhon's amendment.

By Senator Tips:

Amend the amendment by striking out the word "house."

Senator Lawhon accepted the amendment.

By Senator Swayne:

Substitute the amendment as amended as follows:

"Will not sell or barter any spiritous, vinous or malt liquors to any person on Sunday nor,"

Senator Dean moved to adjourn to 3 p. m. to-day.

Lost by the following vote:

YEAS—11.

Crowley,  
Dean,  
Greer,  
Hutchison,  
Lewis,  
McComb,

Presler,  
Shelburne,  
Simpson,  
Swayne,  
Tips.

NAYS—15.

Agnew,  
Atlee,  
Boren,  
Browning,  
Dickson,  
Douglass,  
Imboden,  
Jester,

Kearby,  
Lawhon,  
McKinney,  
Smith,  
Steele,  
Woods,  
Yoakum.

ABSENT—2.

Bowser,  
Goss.

EXCUSED—3.

Baldwin,  
Cranford,

Whitaker.

Senator Agnew moved the previous question on the amendment as amended, and substitute therefor, which was duly seconded and prevailed by the following vote:

YEAS—19.

Agnew,  
Atlee,  
Boren,  
Bowser,  
Browning,  
Dickson,  
Douglass,

Jester,  
Kearby,  
Lawhon,  
McKinney,  
Presler,  
Steele,  
Swayne,

Goss,  
Greer,  
Imboden,

Woods,  
Yoakum.

NAYS—7.

Crowley,  
Dean,  
Hutchison,  
Lewis,

Shelburne,  
Simpson,  
Tips.

PRESENT NOT VOTING—1.

Smith.

ABSENT—1.

McComb.

EXCUSED—3.

Baldwin,  
Cranford,

Whitaker.

Senator Swayne's substitute was adopted by the following vote:

YEAS—19.

Agnew,  
Atlee,  
Boren,  
Bowser,  
Crowley,  
Dean,  
Dickson,  
Greer,  
Hutchison,  
Imboden,

Kearby,  
Lewis,  
Presler,  
Shelburne,  
Simpson,  
Smith,  
Swayne,  
Tips,  
Woods.

NAYS—7.

Browning,  
Douglass,  
Jester,  
Lawhon,

McKinney,  
Steele,  
Yoakum.

PRESENT AND NOT VOTING—1.

Goss.

ABSENT—1.

McComb.

EXCUSED—3.

Baldwin,  
Cranford,

Whitaker.

The amendment as substituted was then adopted by the following vote:

YEAS—16.

Atlee,  
Boren,  
Bowser,  
Dean,  
Dickson,  
Greer,  
Hutchison,  
Imboden,

Jester,  
Kearby,  
Lawhon,  
Lewis,  
Presler,  
Smith,  
Swayne,  
Woods.

NAYS—10.

Agnew,  
Browning,  
Crowney,  
Douglass,  
McKinney,

Shelburne,  
Simpson,  
Steele,  
Tips,  
Yoakum.

PRESENT, NOT VOTING—1.

Goss.

ABSENT—1.

McComb.

EXCUSED—3.

Baldwin,  
Cranford,

Whitaker.

Pending further action,  
On motion of Senator Crowley, the Senate adjourned to 3 p. m. to-day.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

President pro tem. Kearby in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—26.

Agnew,  
Atlee,  
Boren,  
Bowser,  
Browning,  
Crowley,  
Dean,  
Dickson,  
Douglass,  
Goss,  
Greer,  
Hutchison,  
Jester,

Kearby,  
Lawhon,  
Lewis,  
McComb,  
McKinney,  
Presler,  
Shelburne,  
Simpson,  
Smith,  
Steele,  
Tips,  
Woods,  
Yoakum.

ABSENT—2.

Imboden,

Swayne.

EXCUSED—3.

Baldwin,  
Cranford,

Whitaker.

UNFINISHED BUSINESS.

The Chair laid before the Senate House bill No. 91, entitled "An act to regulate the sale of spirituous, vinous or malt liquors or medicated biters; to fix a tax upon all persons or associations of persons selling such liquors; to define the time and manner of collecting such tax; to fix penalties for the violation of this act, and to repeal all laws and parts of laws in conflict with the provisions of this act."

Action being on Senator Lewis' amendment, to wit:

Amend by striking out all after the word "recovered," in line 26, section 9, page 15, down to and including the word "thereof," in line 37.

The amendment was adopted by the following vote:

YEAS—18.

Agnew,  
Bowser,  
Crowley,  
Dean,  
Dickson,  
Douglass,  
Greer,

Lawhon,  
Lewis,  
McComb,  
Shelburne,  
Simpson,  
Smith,  
Steele,

Hutchison, Tips,  
Jester, Yoakum.

NAYS—6.

Atlee, Kearby,  
Boren, Presler,  
Browning, Woods.

ABSENT—4.

Goss, McKinney,  
Imboden, Swayne.

EXCUSED—3.

Baldwin, Whitaker.  
Cranford,

By Senator Browning:

Add after the word "dollars," in line 7, page 15, "provided, that persons dealing in malt liquors exclusively shall only be required to execute bond in the sum of \$1000."

Adopted.

Section 10 read.

Section 11 read.

Section 12 read.

Section 13 read.

Section 14 read.

Section 15 read.

By Senator Smith:

Sec. 13a. The provisions of this act shall not apply to wines produced from grapes grown in this State while the same is in the hands of the producers or manufacturers thereof.

By Senator Tips:

Amend the amendment:

Amend by adding the following: "Provided, such wines shall not be sold by the producers in less quantities than one gallon, and shall not be drank on the premises where sold."

Lost.

Senator Smith's amendment was then adopted.

By Senator Browning:

Strike out the words "entire annual," in lines 21 and 23, page 3, and add, after the word "paid," in line 31, page 4, the word "quarterly:"

Adopted.

By Senator Simpson:

Amend section 5, page 4, by striking out the words "or a shorter," in lines 1 and 2.

Withdrawn.

Senator Yoakum moved to reconsider the vote by which the amendment offered by Senator Browning, to-wit:

Strike out the words "entire annual," in lines 21 and 23, page 3, and add after the word "paid," in line 31, page 4, the word "quarterly," was adopted.

Reconsidered by the following vote:

YEAS—22.

Agnew, Lawhon,  
Atlee, Lewis,

Boren, McComb,  
Bowser, McKinney,  
Dean, Presler,  
Dickson, Simpson,  
Douglass, Steele,  
Hutchison, Swayne,  
Imboden, Tips,  
Jester, Woods,  
Kearby, Yoakum.

NAYS—4.

Browning, Greer,  
Crowley, Shelburne.

ABSENT—2.

Goss, Smith.

EXCUSED—3.

Baldwin, Whitaker.  
Cranford,

The amendment was then lost by the following vote.

YEAS—3.

Browning, Shelburne.  
Greer,

NAYS—20.

Agnew, Lahon,  
Atlee, Lewis,  
Boren, McKinney,  
Dean, Presler,  
Dickson, Simpson,  
Douglass, Steele,  
Hutchison, Swayne,  
Imboden, Tips,  
Jester, Woods,  
Kearby, Yoakum.

ABSENT—5.

Bowser, McComb,  
Crowley, Smith.  
Goss,

EXCUSED—3.

Baldwin, Whitaker.  
Cranford.

By Senator Simpson:

Amend section 5 by adding thereto, "provided this shall not apply to the temporary closing for more than three days of one place of business to sell at another place in the same county."

Adopted.

By Senator Douglass:

Add to section 6, the following: "Provided that each day any person, firm or association of persons in his or their employe shall engage in the sale of spirituous, vinous or malt liquors or medicated bitters in violation of this act shall constitute a separate offense."

Senator Simpson moved the previous question on the bill and pending amendment, which was duly seconded.

Senator Yoakum entered a motion to reconsider the vote by which Senator Lewis' amendment, to-wit: "Amend by striking out all after the



word "recovered," in line 28, section 9, page 15, down to and including the word "thereof," in line 37, was adopted, and same was spread on the journal.

Senator Dickson entered a motion to reconsider the vote by which Senator Simpson's amendment, to-wit: Amend section 5 by adding thereto: "Provided this shall not apply to the temporary closing for more than three days of one place of business to sell at another place in the same county," was adopted and same was spread on the journal.

The question, shall the main question be now put, was decided in the affirmative.

Senator Dauglass' amendment adopted.

Senator Yoakum called up his motion to reconsider, which was lost by the following vote:

YEAS—13.

Atlee,	Kearby,
Boren,	McKinney,
Browning,	Presler,
Dickson,	Swayne,
Douglass,	Woods,
Imboden,	Yoakum.
Jester,	

NAYS—14.

Agnew,	Lewis,
Bowser,	McComb,
Crowley,	Shelburne,
Dean,	Simpson,
Greer,	Smith,
Hutchison,	Steele,
Lawhon,	Tips.

ABSENT—1.

Goss.

EXCUSED—3.

Baldwin,	Whitaker.
Cranford,	

Senator Dickson called up his motion to reconsider, and same was lost by the following vote:

YEAS—11.

Atlee,	McKinney,
Boren,	Presler,
Browning,	Steele,
Dickson,	Woods,
Imboden,	Yoakum.
Kearby,	

NAYS—16.

Agnew,	Lawhon,
Bowser,	Lewis,
Crowley,	McComb,
Dean,	Shelburne,
Douglass,	Simpson,
Greer,	Smith,
Hutchison,	Swayne,
Jester,	Tips.

ABSENT—1.

Goss.

EXCUSED—3.

Baldwin,	Whitaker.
Cranford,	

The bill was then passed to its third reading by the following vote:

YEAS—21.

Agnew,	McComb,
Bowser,	McKinney,
Browning,	Presler,
Dean,	Simpson,
Dickson,	Smith,
Douglass,	Steele,
Hutchison,	Swayne,
Jester,	Tips,
Kearby,	Woods,
Lawhon,	Yoakum.
Lewis,	

NAYS—5.

Atlee,	Imboden,
Boren,	Shelburne.
Greer,	

ABSENT—2.

Crowley,	Goss.
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EXCUSED—3.

Baldwin,	Whitaker.
Cranford,	

Senator Douglass moved to suspend the constitutional rule requiring bills to be read on three several days and to put the bill on its third reading and final passage.

Lost by the following vote, (requiring four-fifths vote):

YEAS—20.

Agnew,	McComb,
Bowser,	McKinney,
Dickson,	Presler,
Douglass,	Shelburne,
Goss,	Simpson,
Hutchison,	Smith,
Jester,	Steele,
Kearby,	Swayne,
Lawhon,	Tips,
Lewis,	Woods.

NAYS—7.

Atlee,	Greer,
Boren,	Imboden,
Browning,	Yoakum.
Crowley,	

ABSENT—1.

Dean.

EXCUSED—3.

Baldwin,	Whitaker.
Cranford,	

Senator Smith moved to suspend regular business and take up

Substitute House bills Nos. 30, 115, etc., entitled "An act to provide for the more efficient system of public free schools for the State of Texas, defining the school funds, providing for the investment of the permanent fund and the apportionment

of the available fund; defining the duties of certain State officers in reference to the public free schools; creating the offices of State and county superintendents; providing for their election and salary, and prescribing their qualification and duties; prescribing the duties of other officers in reference to public schools and public school funds; making county judges ex-officio county superintendents, and providing for their compensation; providing for the election of school trustees, and prescribing their qualifications and duties; providing for the creation of school districts in all the counties of this State; providing for the levy and collection of special taxes for the further maintenance of the public free schools and the erection of school houses; providing for boards of examiners and the issuance of teachers' certificates; providing compensation and prescribing the duties of teachers employed thereunder, and preventing the altering or changing of teachers' certificates; regulating the transfer of school funds; fixing the scholastic age; providing for taking the scholastic census; authorizing trustees to administer oaths, and providing penalties for refusing to answer questions in regard to the age of children, and other penalties for the violation of this act; and declaring an emergency."

Carried by the following vote:

YEAS—27.

Agnew.	Kearby,
Atlee,	Lawhon,
Boren,	Lewis,
Bowser,	McKinney,
Browning,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Smith,
Douglas,	Steele,
Goss,	Swayne,
Greer,	Tips,
Hutchison,	Woods,
Imboden,	Yoakum.
Jester,	

NAYS—none.

ABSENT—1.

McComb.

EXCUSED—3.

Baldwin,	Whitaker.
Cranford,	

Senator Goss moved to substitute the minority committee report, with amendments, for the majority report.

Adopted.

Senator Tips moved to recommit the bill and amendments to the Committee on Education, so that the bill could be reconsidered, the differences

harmonized and the bill reported favorably by a majority.

Senator Imboden moved to lay the bill on the table subject to call.

Lost.

Senator Greer moved to adjourn to 10 a. m. to-morrow.

Lost.

Senator Tips' motion to recommit the bill was then lost.

By Senator Steele:

Amend by adding the following to section 98:

"Provided, That the following counties shall be and the same are hereby exempted from the district system provided for in this act to-wit: Freestone, Limestone. Robertson, Vanzandt, Smith, Montgomery, Trinity, Polk, San Jacinto, Cass, Bowie, Bosque, Lee, Burleson, Washington and Bastrop, and nothing herein contained shall be construed to repeal any of the laws now in force as to said counties for the government of schools in counties under the community system, but said laws are hereby expressly continued in full force and operation in the counties above specified."

Senator Simpson moved to adjourn to 10 a. m. to-morrow.

Lost.

Senator Lewis moved to lay the bill on the table subject to call.

Senator Agnew moved to make the bill special order for to-morrow after call.

Senator Steele made the point of order that the latter motion would conflict with a rule of procedure previously adopted.

Sustained.

Senator Crowley made the point of order that the motion to lay on the table had been previously put and lost.

Sustained.

Senator Crowley then moved to reconsider the vote by which the motion (Imboden's), to lay on the table subject to call was lost.

Reconsidered.

The vote then recurring on Senator Imboden's motion to lay on the table subject to call, the same was

Adopted.

Pending further action,

Senator Swayne made the following committee report:

COMMITTEE REPORT.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 31, 1893.

Hon. M. M. Craue, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 282, entitled "An act to amend article 4246, section 1 of the Revised Civil Statutes of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do not* pass.

SWAYNE, Chairman.

Senator Dean moved to adjourn to 10 a. m. to-morrow.

Senator Imboden moved to adjourn to 8 p. m. to-day.

The vote recurring on the longest time, the Senate adjourned to 10 a. m. to-morrow.

## SEVENTIETH DAY.

### SENATE CHAMBER.

AUSTIN, TEXAS, April 1, 1893.

Senate met pursuant to adjournment.

President Pro Tem. Kearby in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

#### PRESENT—27.

Agnew,	Lawhon,
Atlee,	Lewis,
Boren,	McComb,
Bowser,	McKinney,
Browning,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Douglass,	Smith,
Goss,	Steele,
Greer,	Swayne,
Hutchison,	Tips,
Imboden,	Woods,
Jester,	Yoakum.
Kearby,	

#### ABSENT—1.

Dickson.

#### EXCUSED—3.

Baldwin, Whitaker.  
Cranford,

Prayer by the chaplain, Dr. Briggs, as follows:

Our Father, without Thee we are indeed bereft, for on Thy strength we lean and in Thy love we live. Visit us every day according to our necessity. Grant that each one of us may be a son of the light, a true, tender-hearted brother of his race, a worshipper in all his life with God in all his heart. Make us, everyone, frank, sincere, single-minded men, who stand by the starlight of duty and the compass of truth. Let all sin and ignorance and imperfections fall away like a worn out garment, never more to be taken up, and

let Thy grace possess itself of our hearts as an abiding presence. And to Thy name be praise and honor. Amen.

Pending the reading of the journal of yesterday,

On motion of Senator Douglass, reading of the same was suspended.

On motion of Senator Boren, Assistant Journal Clerk Thweatt was excused for yesterday and to-day on account of sickness.

On motion of Senator Boren, Senator Dickson was excused from attendance to-day and Monday on important business.

On motion of Senator Presler, Engraving Clerk Linn was excused for non-attendance on Monday and Tuesday.

### HOUSE MESSAGE.

#### HOUSE OF REPRESENTATIVES, AUSTIN, TEXAS, April 1, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: I am directed by the House to inform the Senate of the passage by the House of the following bill, to-wit:

Committee substitute Senate bill No. 191, "An act to provide for the retirement of the past due bonds of the State of Texas for the payment of interest thereon and the issuance of other bonds at a lower rate of interest in lieu thereof," with amendments.

Respectfully,

GEO. W. FINGER,  
Chief Clerk House of Representatives.

### COMMITTEE REPORTS.

#### COMMITTEE ROOM, AUSTIN, TEXAS, April 1, 1893.

Hon. M. M. Crane, President of the Senate:

Your Special Committee appointed, to whom was referred

Senate bills Nos. 108, 111 and 276, bills providing for the organization of grain and public warehouses,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that Senate bills Nos. 108 and 111 as amended *do pass*.

BOWSER, Chairman.

1. Change the caption by striking out the words "changing the name of said board."

2. Amend section 1 so as to read as follows, after the enacting clauses "The railroad commission of Texas shall be charged with the supervision and execution of the provisions of this act."

3. Section 2 lines 1, and 2, strike out